

# Staff Summary Report



Hearing Officer Hearing Date: May 1, 2007

Agenda Item Number: 11

**SUBJECT:** This is a public hearing for a request by the City of Tempe – Neighborhood Enhancement Department to abate public nuisance items located at the **CONNELL RESIDENCE** located at 421 East Pegasus Drive.

**DOCUMENT NAME:** 20070501dssa05

**PLANNED DEVELOPMENT (0406)**

**SUPPORTING DOCS:** Yes

**COMMENTS:** Hold a public hearing for a request by the City of Tempe – Neighborhood Enhancement Department to abate public nuisance items in violation of the Tempe City Code for the **CONNELL RESIDENCE (PL070150/ABT07011)** (Corinne Connell, property owner) Complaint No. CE065415 located at 421 East Pegasus Drive in the R1-6, Single Family Residential District.

**PREPARED BY:** Steve Abrahamson, Senior Planner (480-350-8486)

**FINAL REVIEW BY:** Lisa Collins, Planning Director (480-350-8989)

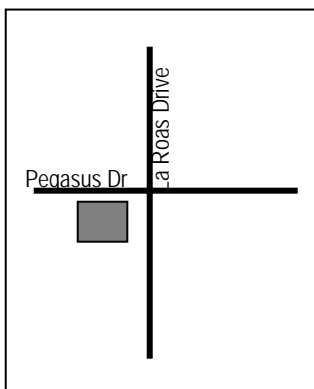
A handwritten signature in black ink, appearing to be 'L Collins', written over the printed name of Lisa Collins.

**LEGAL REVIEW BY:** N/A

**FISCAL NOTE:** N/A

**RECOMMENDATION:** Staff – Approval

**ADDITIONAL INFO:** The Neighborhood Enhancement Division is requesting approval to authorize the abatement of the **CONNELL RESIDENCE** located at 421 East Pegasus Drive in the R1-6, Single Family Residential District. The details of this case represent several months of correspondence for compliance with the property owner. Staff recommends the authorization of abatement of this property.



**ATTACHMENTS:**

1. List of Attachments
  2. Comments; History & Facts/Description
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- A. Location Map(s)
  - B. Aerial Photo(s)
  - C. Neighborhood Enhancement Report

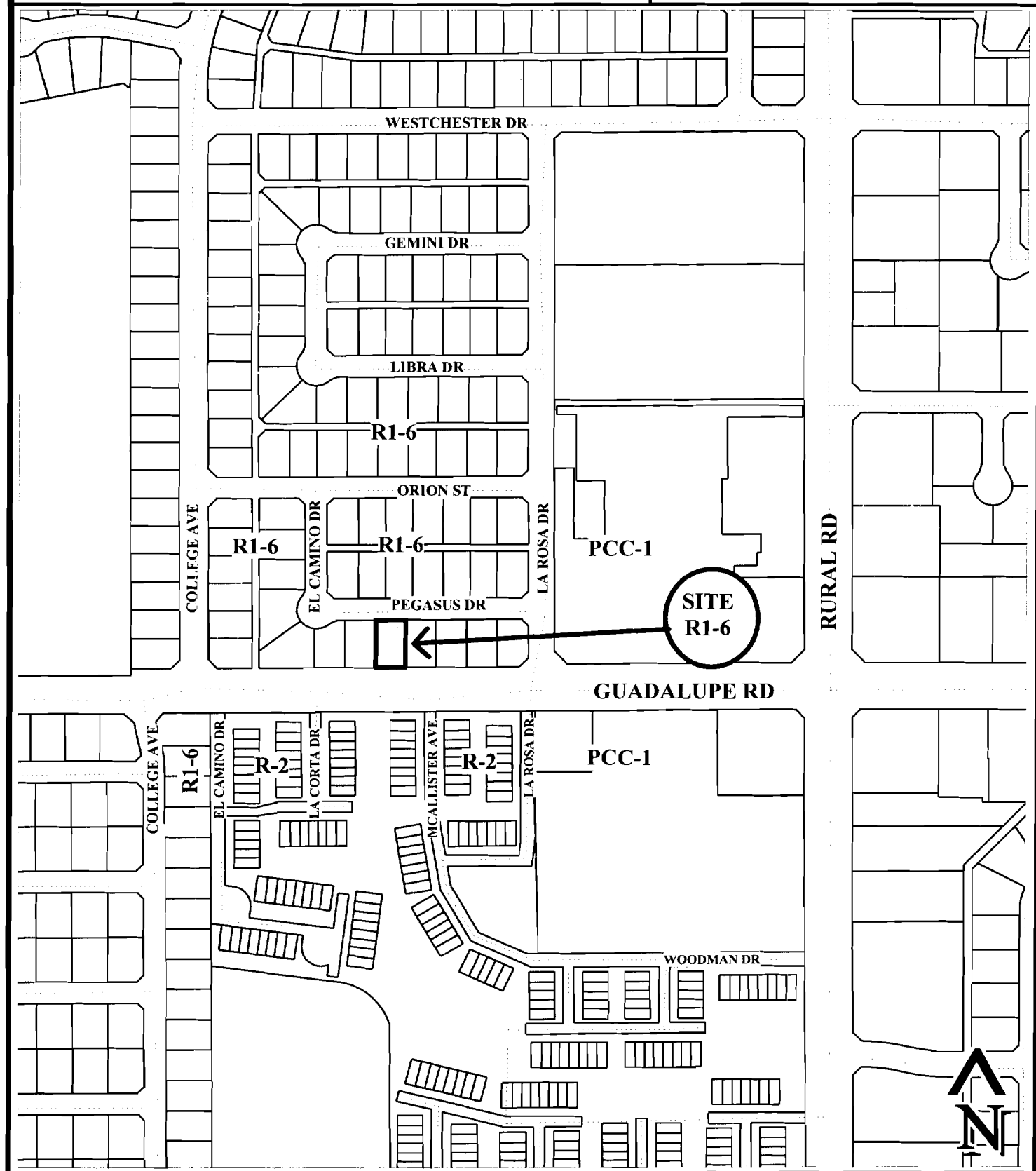
**COMMENTS:**

The Neighborhood Enhancement Division is seeking approval of a request to authorize the abatement of the **CONNELL RESIDENCE** located at 421 East Pegasus Drive in the R1-6, Single Family Residential District. The details of this case represent several months of correspondence for compliance with the property owner. Refer to the attached memo and photos from Barry Kissell, Neighborhood Enhancement Inspector, for the history and facts on the enforcement of the property.

Staff recommends the authorization of abatement of this property.

**HISTORY & FACTS:** See attached memo from the Neighborhood Enhancement Division.

**DESCRIPTION:** Owner – Corinne Connell  
Applicant – Barry Kissell, COT Neighborhood Enhancement  
Existing zoning – R1-6, Single Family Residential District

**CONNELL RESIDENCE**
**PL070150**




CONNELL RESIDENCE (PL070150/ABT07011)

DATE: 3/29/07  
TO: Jan Koehn, Code Compliance Manager  
FROM: Barry Kissell, Code Compliance Inspector  
SUBJECT: Request to Authorization to Abate Complaint #CE065415

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LOCATION: 421 E. Pegasus Drive

LEGAL: Book 301 Map 81 Parcel 079 as recorded with the Maricopa County Assessor

ZONED: Residential, R 1-6

OWNER: Corinne C. Connell  
421 E. Pegasus Drive  
Tempe, AZ. 85283

FINDINGS:

10/6/06 Kay Davis inspected this property and observed green algae in the pool water. Mailed Notice to Comply for 21-3-b-(16).

10/26/06 Kay Davis inspected the property and found no change. Mailed second Notice to Comply.

11/14/06 Kay Davis inspected the property and found no change. No one answered the door. Kay Davis left her card on the door for the property owner to call her regarding the green algae in pool water.

12/8/06 Kay Davis inspected this property with Brian Draper and found no change. No response from the property owner. Mailed final Notice to Comply.

1/6/07 Kay Davis inspected this property and found no change. Pool appeared to have had some chlorine poured in it. Reinspect the pool water condition on 1/12/07

1/20/07 Kay Davis inspected this property with Brian Draper. Pool still appears cloudy. Kay Davis left a card on the door for the property owner to call her regarding the pool. Kay Davis will reinspect this property on 1/31/07.

2/8/07 No response from the property owner. There is no change in the condition of the pool. There is still green algae in the pool water. Citation #1334136 issued for 21-3-b-(16).

2/27/07 Kay Davis inspected the property and found no change.

2/28/07 Kay Davis inspected the property and found no change in the condition of the pool water. Pictures taken. Second citation #1334139 issued for 21-3-b-(16).

- 3/19/07 Kay Davis inspected this property with Barry Kissell and talked to Corinne Connell, property owner. She stated that she is 80 years old and lives only on her social security check. She will not get a check until April 3rd. She stated that the pool pump & filter is not operating. She will check with her daughter to see if she can get some help to drain the pool. She will call Kay Davis on Wednesday, March 21st. Kay Davis & Barry Kissell also mentioned the deteriorated landscaping in her front & back yard. She stated that she will cut the grass & trim the palm trees.
- 3/20/07 Kay Davis stopped back at this residence to give the property owner a Housing Rehabilitation Grant application to help with some of the repairs that need to be done to her house and property. The property owner told Kay that she was not interested and shut the door.
- 3/21/07 Kay Davis did not receive a call from the property owner. Kay Davis started the abatement paperwork.
- 3/28/07 Kay Davis mailed a Notice to Comply for the overheight grass & weeds in the front and back yard and for the overgrown dead palm fronds within the property. This complaint has been reassigned to Barry Kissell.
- 3/29/07 Posted property with a "Notice of Intent to Abate Public Nuisance" for violations of the Nuisance & Property Enhancement Code, Sections 21-3-b-(16) & 21-3-b-8.

**Recommendations:**

Staff recommends that the abatement of code violations be authorized. The cost to drain the swimming pool, remove the overheight grass / weeds & trim the overgrown dead palm fronds is approximately \$950.00. Bishop Incorporated is the City approved abatement contractor under contract on an annual basis. Civil citations have not been successful in bringing the property into compliance. The property remains in violation with little attempt having been made to come into compliance. Corinne C. Connell is the responsible party.

Respectfully submitted,

Barry Kissell



**City of Tempe Code Enforcement Division**  
**Courtesy Notice**  
**We need your help to keep our City clean**

This is a courtesy notice to inform you that on 10/6/06, **421 E. PEGASUS DRIVE** was inspected and found to be in violation of the following subsection(s) of the Nuisance and Property Enhancement Ordinance, Chapter 21, Article I, of the Tempe City Code. If the property is brought into compliance with the code by **10/25/06** you will not be subject to citations or fines for the violation(s). A re-inspection will be conducted on or after the date indicated to verify compliance. If the violations have not been corrected by this date and additional reinspections are necessary, you may be assessed a \$75.00 reinspection fee.

**Violation of the Tempe City Code, Chapter 21-3-b-(16)**

Swimming pools shall be enclosed by a fence of a height not less than five (5) feet; any gate shall be equipped with a self-closing and self-latching latch or padlocked at all times. Any openings shall be of a size to prohibit a spherical object four (4) inches in diameter from passing through or under the fence or gate; or any swimming pool, architectural pool or spa that creates a health hazard, harbors insect infestation or presents a deteriorated appearance.

**Please take the following corrective action**

**Required Correction(s):**

1. Please remove green algae from pool by 10/25/06.

We appreciate your cooperation in this matter. For questions or further information please contact the Neighborhood Enhancement Division at 480-350-8372. Failure to comply may result in civil citation, criminal charges or abatement of the violation.

**Notice was mailed to:**

**CORINNE CONNELL  
421 E. PEGASUS DRIVE  
TEMPE, AZ. 85283**

**Code Inspector: Kay Davis**

**Phone Number 480-858-2276**  
**[kay\\_davis@tempe.gov](mailto:kay_davis@tempe.gov)**





**SECOND NOTICE**

**City of Tempe Code Enforcement Division  
Courtesy Notice**

**We need your help to keep our City clean**

This is a courtesy notice to inform you that on 10/6/06 & 10/26/06, **421 E. PEGASUS DRIVE** was inspected and found to be in violation of the following subsection(s) of the Nuisance and Property Enhancement Ordinance, Chapter 21, Article I, of the Tempe City Code. If the property is brought into compliance with the code by **11/9/06** you will not be subject to citations or fines for the violation(s). A re-inspection will be conducted on or after the date indicated to verify compliance. If the violations have not been corrected by this date and additional reinspections are necessary, you may be assessed a \$75.00 reinspection fee.

**Violation of the Tempe City Code, Chapter 21-3-b-(16)**

Swimming pools shall be enclosed by a fence of a height not less than five (5) feet; any gate shall be equipped with a self-closing and self-latching latch or padlocked at all times. Any openings shall be of a size to prohibit a spherical object four (4) inches in diameter from passing through or under the fence or gate; or any swimming pool, architectural pool or spa that creates a health hazard, harbors insect infestation or presents a deteriorated appearance.

**Please take the following corrective action**

**Required Correction(s):**

1. Please remove green algae from pool by 11/9/06.

We appreciate your cooperation in this matter. For questions or further information please contact the Neighborhood Enhancement Division at 480-350-8372. Failure to comply may result in civil citation, criminal charges or abatement of the violation.

**Notice was mailed to:**

**CORINNE CONNELL  
421 E. PEGASUS DRIVE  
TEMPE, AZ. 85283**

**Code Inspector: Kay Davis**

**Phone Number 480-858-2276  
[kay\\_davis@tempe.gov](mailto:kay_davis@tempe.gov)**



**FINAL NOTICE**

**City of Tempe Code Enforcement Division**

**Courtesy Notice**

**We need your help to keep our City clean**

This is a courtesy notice to inform you that on 10/6/06, 10/26/06, 11/14/06 & 12/8/06 **421 E. PEGASUS DRIVE** was inspected and found to be in violation of the following subsection(s) of the Nuisance and Property Enhancement Ordinance, Chapter 21, Article I, of the Tempe City Code. If the property is brought into compliance with the code by **12/28/06** you will not be subject to citations or fines for the violation(s). A re-inspection will be conducted on or after the date indicated to verify compliance. If the violations have not been corrected by this date and additional reinspections are necessary, you may be assessed a \$75.00 reinspection fee.

**Violation of the Tempe City Code, Chapter 21-3-b-(16)**

Swimming pools shall be enclosed by a fence of a height not less than five (5) feet; any gate shall be equipped with a self-closing and self-latching latch or padlocked at all times. Any openings shall be of a size to prohibit a spherical object four (4) inches in diameter from passing through or under the fence or gate; or any swimming pool, architectural pool or spa that creates a health hazard, harbors insect infestation or presents a deteriorated appearance.

**Please take the following corrective action**

**Required Correction(s):**

1. Please remove green algae from pool **by 12/28/06 to avoid a \$300.00 civil citation.**

**\*PLEASE CONTACT ME @480-858-2276 REGARDING THIS PROPERTY.**

We appreciate your cooperation in this matter. For questions or further information please contact the Neighborhood Enhancement Division at 480-350-8372. Failure to comply may result in civil citation, criminal charges or abatement of the violation.

**Notice was mailed to:**

**CORINNE CONNELL  
421 E. PEGASUS DRIVE  
TEMPE, AZ. 85283**

**Code Inspector: Kay Davis**

**Phone Number 480-858-2276  
kay\_davis@tempe.gov**



**City of Tempe Code Enforcement Division  
Courtesy Notice**

**We need your help to keep our City clean**

This is a courtesy notice to inform you that on 3/28/07, **421 E. PEGASUS DRIVE** was inspected and found to be in violation of the following subsection(s) of the Nuisance and Property Enhancement Ordinance, Chapter 21, Article I, of the Tempe City Code. If the property is brought into compliance with the code by **4/12/07** you will not be subject to citations or fines for the violation(s). A re-inspection will be conducted on or after the date indicated to verify compliance. If the violations have not been corrected by this date and additional reinspections are necessary, you may be assessed a \$75.00 reinspection fee.

**Violation of the Tempe City Code, Chapter 21-3-b-8**

Any landscaping, visible from public property, that is substantially dead, damaged, or characterized by uncontrolled growth, or presents a deteriorated or slum-like appearance; uncultivated plants, weeds, tall grass, uncultivated shrubs or growth (whether growing or otherwise) higher than twelve (12) inches; or any dead trees, bushes, shrubs or portions thereof, including stumps; or any palm or similar type tree having dead or dry fronds descending downward from the base of the lowest living frond more than eight (8) feet or dry fronds longer than five (5) feet and closer than eight (8) feet to the ground.

**Please take the following corrective action**

**Required Correction(s):**

1. Please cut the overheight grass / weeds in the front & back yard.
2. Cut the overheight dead palm fronds from the palm tree(s) within the property.

We appreciate your cooperation in this matter. For questions or further information please contact the Neighborhood Enhancement Division at 480-350-8372. Failure to comply may result in civil citation, criminal charges or abatement of the violation.

**Notice was mailed to:**

**CORINNE CONNELL  
421 E. PEGASUS DRIVE  
TEMPE, AZ. 85283**

**Code Inspector: Barry Kissell**

**Phone Number 480-858-2087  
[barry\\_kissell@tempe.gov](mailto:barry_kissell@tempe.gov)**



City of Tempe  
P. O. Box 5002  
Tempe, AZ 85280  
www.tempe.gov  
(480) 350-8372  
(480) 858-2278 (fax)

Neighborhood Enhancement Division

## **NOTICE OF INTENT TO ABATE PUBLIC NUISANCE**

DATE: March 29, 2007

TO: CORINNE C. CONNELL  
421 E. PEGASUS DRIVE  
TEMPE, AZ. 85283

This serves as notification of the City of Tempe's intentions regarding the abatement of code violations on the following described property:

**LEGAL:** Book 301, Map 81, Parcel 079, as recorded with the Maricopa County Assessor.

**LOCATION:** 421 E. PEGASUS DRIVE, TEMPE, ARIZONA 85283

This office will submit this complaint to the Development Services Abatement Hearing Officer to be placed on the Hearing Officer agenda of May 1, 2007. We are requesting Hearing Officer Authorization to abate this public nuisance in accordance with Section 21-53 of the Tempe City Code by removal and repair of:

**DRAIN GREEN ALGAE WATER FROM THE POOL THAT IS OR MAY BECOME A HAZARD TO PUBLIC HEALTH & SAFETY. CUT THE OVER HEIGHT GRASS / WEEDS IN THE FRONT AND BACK YARD. TRIM THE OVER HEIGHT DEAD PALM FRONDS FROM THE TREE(S) WITHIN THE PROPERTY.**

As owner of the property, you have thirty (30) days after receipt of this letter to abate or correct the violation. If the violations have not been corrected within thirty days, our office will proceed with the abatement process. Upon receipt of the Hearing Officer approval to abate this public nuisance, the necessary work will be performed at the expense of the property owner. The cost of this work will be \$950.00. In addition to the actual cost of abatement, an administrative charge of fifteen (15) percent of the actual cost of abatement or three hundred (\$300) dollars, whichever is greater, for expenses incurred by the city for abatement procedures, and the cost of recording liens and releases will be charged. The recorded lien may bear interest at the legal rate for judgments in the State of Arizona. Administrative charges and the cost of recording liens and releases shall become a lien on the property whether or not the public nuisance is abated by the City.

If you have questions regarding this matter, please contact our office at (480) 350-8372.

Code Inspector: Barry Kissell

Phone Number 480-858-2087

CE065415

**Bishop Inc.**

6340 S. Rural Rd. #118-217

Tempe AZ 85283

PH: (602) 339-2082 Fax (480) 413-1691

# 7444

**Proposal**

|  |
|--|
| Name: <u>City of Tempe</u>                 |
| Address: <u>P.O. Box 5002</u>              |
| City: <u>Tempe, Az. 85280</u>              |
| Attn: <u>Code of Compliance Department</u> |

|             |                  |
|-------------|------------------|
| Date        | <u>4-03-2007</u> |
| Order #     | <u></u>          |
| Customer #  | <u>Kay D.</u>    |
| Our Order # | <u></u>          |

| Qty | Description  |
|-----|--|
|     | Property Address:<br>421 W. Pegasus Dr.  |
|     | 1. Drain pool.<br>2. Trim dead and hanging branches on palm trees.<br>3. Cut down tall weeds in front and backyard areas.<br>4. clean up trash and debris on property. |
|     | Price includes all labor, materials and<br>dump fees   |

| Unit Price | Total |
|------------|-------|
|            |       |

Recd. By: \_\_\_\_\_

Total: \$ 950.00

Date: \_\_\_\_\_

